

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

Appl No.: **10/743,178**  
Appellant: **Cheng, Li-Ming**  
Filing Date of Applicat'n: **December 23, 2003**  
Art Unit: **3634**  
Examiner: **Johnson, Blair**  
Attorney Docket No.: **21406-001**  
Technology Center: **3600**  
Title of the Invention: **Push Up, Pull Down, Shade Apparatus**

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Alexandria, VA 22313-1450

**APPEALLANT'S REPLY BRIEF UNDER 37 CFR § 41.41**

This Reply Brief responds to the Examiner's Answer, dated February 03, 2009. Please charge any additional fees or credit any overpayment to deposit account No. 50-3856.

This Brief does not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. This Brief contains the following items under the headings in the order here indicated as required by 37 CFR 41.41:

- I. Status of Claims
- II. Grounds of Rejection to be Reviewed on Appeal
- III. Argument

**I. Status of Claims**

The previous statement of the status of claims was confirmed by the Examiner as correct.  
The status of claims is repeated herein.

Claims 1-49 Cancelled (not on appeal)

Claims 50-55 Rejected (on appeal)

Claims 56, 57 Objected to (not on appeal)

Claim 58 Rejected (on appeal)

Claims 59, 60 Rejected (on appeal)

Claims 61-65 Rejected (on appeal)

Claim 66 Objected to (not on appeal)

Claims 67-69 Rejected (on appeal)

Claims 70-73 Rejected (on appeal)

Again, those claims that are on appeal are claims 50-55, 58, 59, 60, 61-65, and 67-73.

## **II. Grounds of Rejection to be Reviewed on Appeal**

Whether claims 50-55, 58-65, 67-73 are unpatentable under 35 U.S.C. § 103(a) over Gertzson in view of Kuhar '100.

Whether claims 70-73 are unpatentable under 35 U.S.C. § 112, second paragraph, as being indefinite.

### **III. Argument**

#### **A. FIRST GROUND OF REJECTION: REJECTION OF CLAIMS 50-55, 58-65, 67-73 UNDER 35 U.S.C. 103(A) AS BEING OBVIOUS OVER GERTZON IN VIEW OF KUHAR '100**

This ground of rejection was applied to more than one claim. The Examiner argues in the Examiner's Answer that there are only three groups of claims: Claims 50, 51, 62-69; claims 52-61; and claims 70-73. The Examiner mistakenly includes dependent claims 56, 57, and 66 in these three groups. Claims 56, 57, and 66 are currently not on Appeal. The Appellant respectfully disagrees with the Examiner's grouping methods.

The Appellant, however, agrees to argue the claims separately in six groups, instead of the eleven groups as originally argued in the Appeal Brief. This change in grouping of claims shall not constitute a waiver of argument. The Board is invited to review the arguments base either on the original grouping or the grouping as discussed herein:

1. Claims 50, 51, 62-63, 67-69 (stand or fall together)
2. Claims 52-55, 58-61 (stand or fall together)
3. Claims 64-65 (stand or fall together)
4. Claims 70 (stand or fall together)
5. Claims 71 (stand or fall together)
6. Claims 72-73(stand or fall together)

The appellant respectfully requests that the Board considers the patentability of the grouped claims separately. Each of these groups is argued and discussed separately below under its own subheading.

##### **1. CLAIMS 50, 51, 62-63, 67-69**

Claims 50, 51, 62-63, 67-69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gertzson (2,594,637) in view of Kuhar (5,482,100). The appellant respectfully disagrees.

## **The Examiner Requires Claiming of Secondary Indicia of Non-Obviousness**

On page 5 of the Examiner's Answer, with respect to the Affidavit of Mr. Zerg, the Examiner argues that the Affidavit was not persuasive, because the evidence in the Affidavit are not claimed and would be difficult to claim.

The Appellant respectfully disagrees. The law does not require that the Applicant claim secondary indicia of non-obviousness presented in an Affidavit. Mr. Zerg's Affidavit presents the following secondary indicia of non-obviousness:

- Teaching Away: Window blind systems having less component parts are known to be advantageous. For decades, the general direction of general consumer window blind design (including after Kuhar's 1996 teaching) has been designing window blinds that are less complicated, with less component parts.
- Teaching Away: Kuhar teaches the importance of creating friction on the cords, which contradicts with the functions of Gertzson's pulley rotors.
- Unexpected Results: Appellant's claimed device has stable alignment, lighter weight, lower manufacturing cost, prolonged cord life, smaller (more aesthetically pleasing) head rail, and created friction through the use of pulley rotors and cords overlaying onto themselves.

## **The Examiner Misread the Affidavit of Mr. Zerg**

On page 5 of the Examiner's Answer, the Examiner misstates Mr. Zerg's assertion.

In Mr. Zerg's Affidavit, he did not say one would not provide Gertzson with a spring motor of Kuhar. Mr. Zerg opines (Zerg Affidavit, point 16) that if one would have combined the teaching of Gertzson and Kuhar, it would have been a device different from what's claimed. In particular, the skilled artisan would have replaced all of Gertzson's components with Kuhar's spring motor.

Mr. Zerg further opines that under Kuhar's teaching, Gertzson's intricate pulley system is undesirable, and creates no competitive edge in the market place. Kuhar offers a desirable

solution for a cordless blind with few component parts. Therefore, Gertzson, if modified by Kuhar, would have wanted to eliminate its intricate pulley system.

### **The Examiner Argues that Current Widespread Use is Evidence of Obviousness**

On page 5 of the Examiner's Answer, the Examiner argues that "the desire to alleviate the dangling pull cord of Gertzson is exactly what led to the now widespread use of spring motors and storage spools for the lift cords." The Examiner argued that current wide spread use is evidence of motivation for using spring motor.

The Office, however, is reminded that the claims on appeal recite more than just a spring motor. The Appellant does not challenge any motivation for using a spring motor. After all, the Appellant has not argued that using spring motor alone is novel and non-obvious.

### **Examiner Argues that Kuhar Has Specific Teaching**

The Examiner argues on page 5 of the Examiner's Answer that Kuhar specifically teaches replacing lifting cord mechanism and cord lock mechanism of known blind systems. The Office is reminded such is merely a "prima facie" determination.

While Gertzson and Kuhar may or may not, on their first appearance, provide basis of "prima facie" obviousness, the issue on appeal is whether or not the record has sufficient secondary indicia of non-obviousness to overcome any prima facie obviousness determination.

As the record and the Affidavits have provided, there is sufficient secondary indicia of non-obviousness (such as "teaching away" within Kuhar itself). The Office may not pick and choose only teachings within Kuhar that are helpful in forming its rejection. Such would constitute forcing a comparison of the invention with itself. The Office must consider the totality of the evidence.

Also, if Kuhar's intend was to merely replace cord lock mechanism, its specification and drawings would have clearly shown retention of typical pulleys. Instead, Kuhar's intend was to replace not only cord lock mechanism, but also lifting cord mechanism (Col. 1, line 10; col. 2, line 15)(which reasonably includes any pulley system that assists manual pulling of the lifting cord).

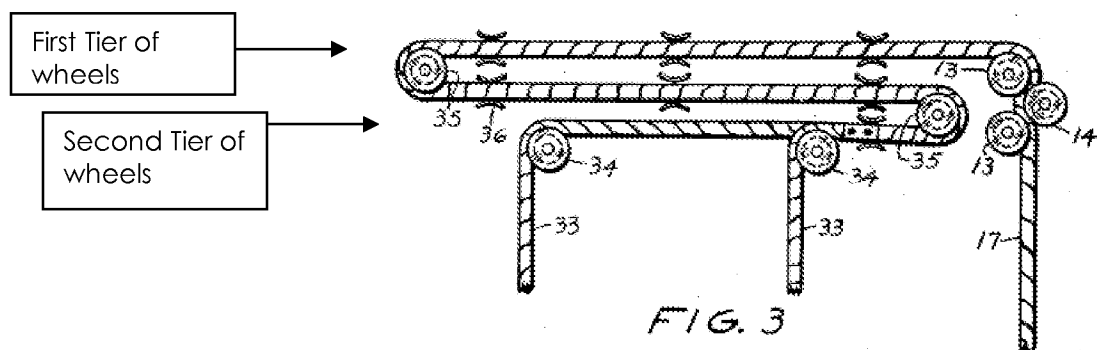
## The Examiner Argues that No Combination Can Destroy a Primary Reference

The Examiner argues on Page 5 that if the Appellant's argument "replacing the cord lock of Gertzon with a spring motor would destroy Gertzon" is true, any combinations of teachings under 103 would "destroy" the primary reference.

The Appellant respectfully disagrees. MPEP is clear on this issue (MPEP 2141.02 and 2143.01): prior art must be considered in its entirety, including disclosures that teach away from the claims, and that proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference. Further, it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Teachings that would have destroyed Gertzon (see Mr. Zerg Affidavit):

- Kuhar's objective is to simplify component parts. "All" or most component parts of Gertzon would have been replaced (thus destroying Gertzon) based on Kuhar's teaching.
- Kuhar stresses on the importance of simplicity, and provides a viable solution to complicated window blind systems.
- The Gertzon patent is a good example of complicated window blind system that the Kuhar patent was intended to replace. In the Gertzon patent, a Venetian blind has a complicated multi-tier pulley wheel set, guides (36), a manual pull cord, and a cord lock.



Gertzon Fig. 3

The multi-tier pulley wheel set and the cord lock has opposite functions. The pulley wheels alleviate friction, while the cord lock creates friction to lock the cord. The pulley wheels (35) are sufficiently spaced apart and located in tiers, and guides (36) are needed to prevent the cord from twisting onto itself. This is a typical pulley system, designed to alleviate unwanted friction during operation, and permits a load to be lifted with less force.

- Combining Gertzson and Kuhar would have destroyed the Gertzson device because one would have removed the cord lock, the pulley wheels, and the cord guides from Gertzson. When these components are removed the Gertzson device is rendered unsatisfactory for its intended purpose, and it would change its principle of operation.
- Mr. Zerg's Affidavit also presents many prior art references that teach the importance of having less component parts in a window blind; this shows the general design trend for window blinds.
- The general trend in the industry was to simplify component parts in a window blind, and Kuhar achieved this objective by replacing key components in Gertzson.
- Multi-tier pulley wheels and guides of Gertzson are no longer necessary under the objective of Kuhar, and are rather undesirable to have. By replacing intricate components with a simple spring-motor, the Kuhar patent provides most (if not all) of the desired properties – simplicity, lighter weight, lower manufacturing cost, and less component parts. The spring motor in the Kuhar patent is sufficiently strong to lift the blinds without pulley wheels (35). The spring motor in the Kuhar patent also eliminated the extra component parts and manufacturing steps involved in retaining and assembling the cord, multiple pulley wheels, guides, and their associated cost to manufacture. Retaining such intricate pulley system would have created no competitive edge in the market place. Any reasonable window blind engineer would have wanted to get rid of the intricate pulley system all together.

### **Examiner Argues that Commercial Success is a Result of Market Trend**

The Examiner contends on page 5 that the Appellant's commercial success is a result of appellant switching the main product from vinyl roller shades to pleated shades, and that the success is a reflection of the entire market, which made similar shift.



The Appellant respectfully disagrees. Shifting of product lines and market is evidence of unmet needs being met by the claimed device; evidence presented in the record has adequately established a nexus between the claimed invention and the commercial success.

The following is a summary of Declaration presented by Theodor Crous Swart on commercial success:

- Prior to 2004, marketing efforts to expand products to other large retailers were unsuccessful due to lack of innovation in appellant's products.
- When the claimed device was introduced, the appellant was able establish business relationships with JCPenney® (one of North America's largest retailer).
- Previously JCPenney® had been unsuccessful in finding a suitable cordless shade product for their catalogues, and appellant's competitor Whole Space Industries had been unsuccessful in establishing business relationships with JCPenney®.
- Whole Space subsequently acted as appellant's sole agent for JCPenney® and Lowe's® in North America for the claimed device.
- By selling the appellant's claimed device as the sole agent, Whole Space Industries was able to establish business relationship with JCPenney®.
- In JCPenney®'s company history, the first ever cordless shade carried in the JCPenney® catalogue was appellant's cordless shade (January, 2004 JCPenney® catalogue).
- Appellant's claimed device was well-received by the market as evidenced by purchase orders from major retailer such as JCPenney®.
- Comparing to pre-2004, appellant has received increased invitations from large U.S. retailers (e.g., Target Corporation®, Home Depot®, Lowe's®) to participate in new shade programs. Invitations increased despite the fact appellant attended less trade shows in the U.S. since 2004.
- The success of appellant's claimed device spawned several competitors (i.e., Whole Space Industries and Ching Feng Home Fashions Company). Whole Space Industries, appellant's former agent, has since been selling knock-off versions to JCPenney® (JCPenney® item ID number R282-27744-011), breaching agency contract with the

appellant. Ching Feng Home Fashion's Company's knock-off version is also being sold through JCPenney®, Home Collection™ item ID number 736-6757-0018.

- During the past two years the product's commercial success continues. Appellant continued to sell the claimed device to additional U.S. retailer including Bed Bath & Beyond®, Walmart®, etc.
- Sales volume of the claimed device increased 12% in 2004, when comparing with previous year's number.
- Sales volume of the claimed device increased 32% in 2005, when comparing with previous year's number.
- Sales volume of the claimed device increased 43% in 2006, when comparing with previous year's number.
- Sales volume increased from 2004 through 2006 despite that fact appellant spent approximately the same amount of money in marketing when comparing with previous years.
- The commercial success of the claimed device helped established appellant as a well-known player in the U.S. market in cordless solution of high quality shades.
- The commercial success of the claimed device helped transitioned the appellant from engaging in original equipment manufacturing (OEM), to original design manufacturing (ODM) and original branding manufacturing (OBM). The appellant has since been recognized for its R&D capabilities. Also, shades manufactured by the appellant now bear its own brand.
- Had it not been for the innovative nature and commercial success of the claimed device, companies like JCPenney® would not have wanted to establish business relationship with the appellant.

The commercial advantages of applicant's cordless shade have been recognized in that it has achieved outstanding commercial success in entering into major markets in just a few months.

### **The Examiner Argues that Mr. Chao's Opinion is Hindsight**

The Examiner argues on page 6, that Mr. Chao's opinion is hindsight.

The Appellant respectfully disagrees. The Appellant does not argue whether or not the Examiner has a different and unreasonable motivation to combine Gertzson and Kuhar. Mr. Chao's opinion is to show that one skilled in the art would not have expected/wanted to retain the intricate pulley system in Gertzson, under the teaching of Kuhar.

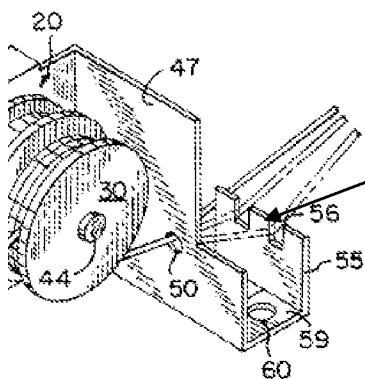
### **Teaching of Friction in Kuhar**

The Examiner argues on page 6, that Gertzson, while using pulleys to avoid friction, would benefit from using slots 56 for friction as taught by Kuhar.

The Appellant respectfully disagrees. The Examiner's proposed usage of two elements that contradict each other (slots 56 for added friction, and pulley to eliminate friction) is contrary to accepted wisdom. Proceeding contrary to accepted wisdom in the art is evidence of nonobviousness. *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986). Also, Gertzson has a pulley system so it'd be easier to manually pull the blinds up. Having slots 56 in Gertzson would have made it harder to pull the blinds up.

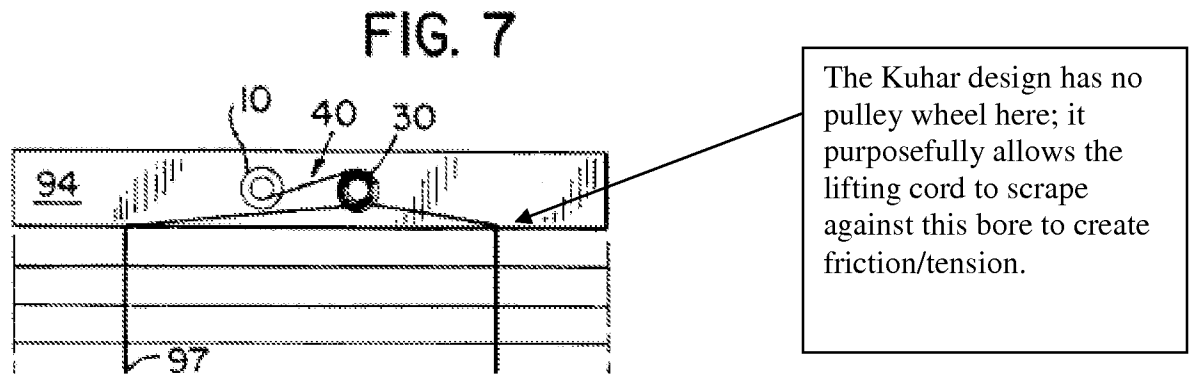
More teachings within Kuhar that "teach away:"

- Pulleys are discouraged by Kuhar. Instead, Kuhar wanted to create friction and tension through lifting cords' direct contact with rough edges (see 50 and 56 in Figure 2).
- Having pulley wheels would have been counterintuitive to Kuhar's teaching.



Kuhar's cord purposefully scrapes against edges to create friction/tension. See Col. 4, lines 53-54 of Kuhar.

**FIG. 2**



Kuhar's Fig. 7

The Examiner also argues on page 6 that Kuhar does not teach slot 56 as a necessary component of the Kuhar device.

Even if slot 56 is not a necessary component, the main purpose of Kuhar is to simplify component parts, and clearly teaches away from having Gertzson's intricate pulley system.

#### **Examiner's Argument for Selective Adaptation from Kuhar**

The Examiner argued on page 6 that the only teaching being adapted from Kuhar in the rejection is the spring motor.

The Appellant respectfully disagrees with such application of the prior art.

In an obviousness determination, the prior art must be reviewed as a whole. It is improper to pick and choose only teachings helpful to form a rejection. Looking at the prior art as a whole, one skilled in the art would not have just replaced the cord lock of lifting cord of Gertzson with Kuhar's spring motor. Kuhar's teaching is to simplify component parts, not just merely replacing cord locks. One would have also eliminated the pulley system of Gertzson based on Kuhar's teaching.

#### **Desire to Alleviate the Dangling Pull Cord**

On top of page 7 of the Examiner's Answer, the Examiner alleges that the Appellant challenged the Examiner's assertion (on top of page 12 of the Appeal Brief) that the desire to alleviate the dangling pull cord of Gertzson has led to the use of spring motors. The Examiner

further alleges that Kuhar is only one of dozens, if not hundreds, of cordless shades omitting pull cords in the name of safety.

The Appellant hereby clarifies that on top of page 12 of the Appeal Brief, the Appellant did not challenge the motivation for using a spring motor. After all, the Appellant does not argue that using spring motor alone is novel and non-obvious. The claims on appeal recite more than just spring motor alone.

The Examiner mentioned that Kuhar suggests its objective as replacing cord lock and hanging cord mechanism of known blind systems. The Appellant would like to point out that, while Gertzson and Kuhar may or may not, on their first appearance, provide basis of “prima facie” obviousness, the issue on appeal is whether or not the record has sufficient secondary indicia of non-obviousness to overcome any prima facie obviousness determination.

Among other evidence of non-obviousness, Mr. Zerg opined (Zerg Affidavit, point 16) that he would not have wanted to merely replace Gertzson’s cord lock with Kuhar’s spring motor, while retaining the intricate pulley system. Mr. Zerg further opined that under Kuhar’s teaching, such intricate pulley system is undesirable, and creates no competitive edge in the market place.

#### **Examiner’s Assertion that Applying More Teachings from Secondary Reference is Not Required**

Beginning on second paragraph of page 7 of the Examiner’s Answer, the Examiner asserts that he has only proposed to apply certain teaching from Kuhar, and that more teachings from Kuhar is clearly not required.

The Appellant respectfully disagrees.

As discussed above, determination of obviousness requires the Patent Office to consider a totality of the evidence, including all teachings of the secondary reference. The Patent Office may not pick and choose only helpful teachings to determine obviousness of the claimed subject matter. The Office must also consider “teaching away” and secondary indicia of non-obviousness. Allowing the Office to apply only some teachings while ignoring “teaching away” and other evidence would unfairly result in a comparison of the invention with itself. *In re Chapman*, 148 USPQ 711. By not considering secondary indicia of non-obviousness, in particularly teaching away references, the Office improperly created an imaginary prior art device, essentially using the claimed device as a mold.

### **Unpredictable Use of Prior Art Elements**

In the third paragraph of page 7 of the Examiner's Answer, the Examiner stated that physical incorporation would have been well within the purview of one skilled in the art.

The Appellant did not previously argue the impossibility of physical incorporation of elements. Rather, the section (page 17 of the Appeal Brief) Examiner referred to is about the unpredictable use of prior art elements.

The Examiner's proposed combination of Gertzson and Kuhar would have required additional steps of inventive thinking to retain, modify, reposition, resize, rearrange, and eliminate individual elements in both references to result in the imaginary "combined device," because the Examiner's proposed combination is not suggested and is not expected by the prior art. Furthermore, the U.S. Supreme Court has indicated that "a court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions." *KSR Int'l Co.*, 127 S. Ct. at 1740.

Here, modifying Gertzson in view of Kuhar's teaching, as proposed by the Office, would have required the following inventive steps:

- a. finding the advantages of retaining the intricate pulley system of Gertzson, when Kuhar teaches away from using one;
- b. finding the advantage of not allowing lifting cords to directly scrape against metal frames, when Kuhar's teaches such feature.

### **Unexpected Results**

The Examiner argued on page 8 of the Examiner's Answer that there're no unexpected results in the claimed invention because the pulleys of Gertzson will provide friction to offset the spring force and blind weight.

The Appellant respectfully disagrees.

The claimed device has many unexpected advantages to resolve issues not previously recognized (or resolved) in the prior art. Examples of these undesirable issues include:

- a. The requirement for large springs - Kuhar requires a sufficiently large spring. Kuhar's spring motor needs a heavy duty spring for more stabilized biasing force. Otherwise, when the blind is lowered and raised, and immediately after the user's hand leaves the bottom member, the bottom member would slightly spring back

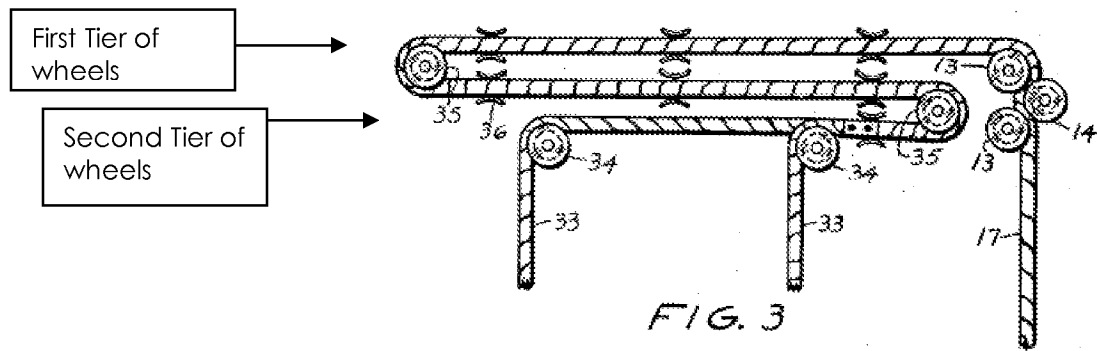
up towards the head rail, or drop slightly towards the ground. Using the specific type of pulley system as claimed eliminates the need for a heavy duty spring. Large springs require a rather unsightly large head rail. In the claims now under appeal, a pulley system allows the use of a smaller gauge spring, head rail can be miniaturized for a more aesthetically appealing look.

- b. Heavy duty springs are expensive - One would have thought that adding a pulley system would undesirably increase manufacturing cost (because of added manufacturing steps, cost of material, etc.). Surprisingly, although more complicated, adding the specific type of pulley system as claimed actually decreases manufacturing cost, not raising it.
- c. Scraping of lifting cord against bracket reduces usable life - When a cordless blind is lowered and raised, the bottom member slightly springs back up towards the head rail, or it may drop slightly towards the ground. In other words, height adjustment precision has been a problem. Kuhar attempted to address this issue by letting the cords to scrape against bracket 55 or against the rim of bores leading the cords out of the head rail. Kuhar's method decreases usable life of the cords. The instant application solves this issue by using a particular type of pulley system to create additional friction and tension in the cord (without direct scraping, which damages the cords, like in Kuhar).

## **2. Claims 52-55, 58-61 (stand or fall together)**

All arguments for claim 50 also apply here.

As for claim 52, prior art of record do not recite or suggest having a first and second rotors in the pulley assembly that is capable of supplementing a counterbalancing effect created by the spring motor. The multi-tier pulley wheel system in the Gertzson patent does not supplement the counterbalancing effect of a spring motor. The below is an illustration of the pulley system of Gertzson.



Multi-tier pulley wheels and guides are used in Gertzon. This type of pulley wheels are designed to eliminate friction, performing a function opposite of the pulley assembly in the claimed device.

The Examiner argues on page 8 that merely reusing pulleys for multiple windings would have been obvious so as to store more cord. The Appellant respectfully disagrees. Such modification constitutes hindsight.

As for claim 53, claim 53 requires that the first primary line to change its direction of travel at least twice before exiting the channel. This is not found in the prior art references.

### 3. Claims 64-65 (stand or fall together)

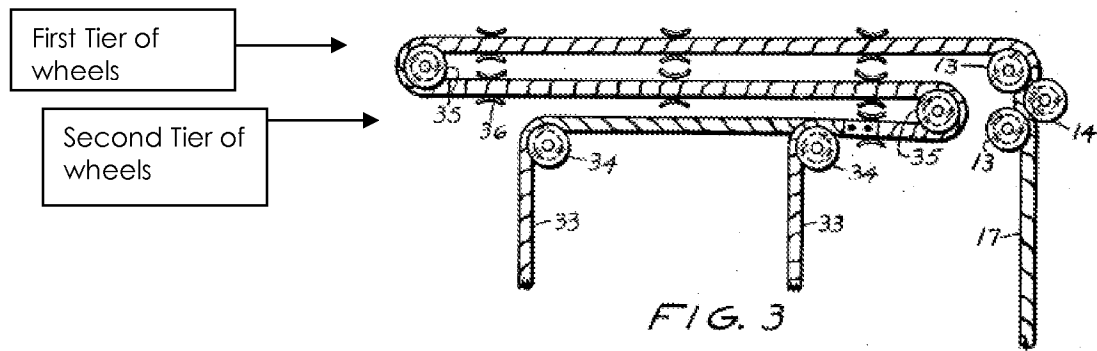
All arguments for claim 50 also apply here.

### 4. Claim 70

All arguments for claim 50 also apply here.

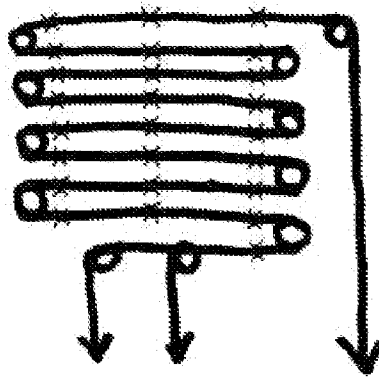
The Examiner argued on page 9 of the Examiner's Answer that to entrain cords around the rotor numerous times merely duplicates the arrangement in Gertzon. The Appellant respectfully disagrees. As is clear from Gertzon's illustrations, Gertzon arranges its rotors in multiple tiers. Each lifting cord in Gertzon entrains about a rotor only once.





Gertzson Fig. 3

Duplicating this arrangement would result in more tiers of rotors:



Claim 70 requires that each lifting cord entrain about the group of rotors at least two laps.

Merely duplicating Gertzson's tiered rotor arrangement would not result in the claimed structure.

Also, claim 70 requires rotors to be consecutively aligned. Gertzson's rotors are arranged in multiple tiers.

The Examiner interpreted a "lap" on page 9 as "going from one end of the support channel to the other." Claim 70 requires that the lifting cords "repeatedly" entrain about the group (of rotors) "as a whole" in a "circuitous" fashion. Lifting cords going from one end of the channel to the other end in tiers is not the same as entraining about a group "as a whole," and is not the same as entraining in a "circuitous" fashion.

The Examiner argued on page 10, that it would have been obvious to reuse pulley rotors in Gertzson for multiple windings to store more cords. As discussed above, Gertzson arranges rotors in tiers, such arrangement makes it impossible to reuse pulley rotors without entangling cords.

## **5. Claim 71**

All arguments for claims 50 and 71 also apply here.

In Claim 71, when the lifting cords entrain about the rotors as a whole in a circuitous fashion, the lifting cords entrain about the first rotor at least twice, and entrain about the second rotor at least twice. In contrast, each pulley rotor in Gertzson is used only once. The tiered structure in Gertzson does not allow any pulley rotor to be used more than once without entangling cords.

## **6. Claim 72-73 (stand or fall together)**

All arguments for claims 50, 70, and 71 also apply here.

Claim 72 further requires that pulley rotors to be in “linear” consecutive alignment, in a substantially straight line. It would not have been obvious to modify Gertzson to arrange its rotors in a substantially straight line.

## **B. SECOND GROUND OF REJECTION: REJECTION OF CLAIMS 70-73 UNDER 35 U.S.C. 112 AS BEING INDEFINITE**

### **Claim 70-73**

In claims 70-73, the “first pulley rotors” and “second pulley rotors” were found ambiguous since they should not be pluralized. The appellant agrees. First pulley rotor should not be pluralized. Also, second pulley rotor should not be pluralized.

On page 10, the Examiner rescinds the rejection concerning “consecutive alignment.” The Appellant thanks the Examiner for the rescission.

## **CONCLUSION**

All arguments presented in the Appeal Brief but not specifically repeated here are maintained, with the exception to argument against 112 rejection as discussed above. No other arguments are waived.

The Examiner did not designate any rejection as new grounds of rejection. If the Examiner's Answer contains any undesignated new grounds of rejection, the Appellant hereby requests that the Appeal be maintained.

The Appellant thanks the Examiner for his dedication throughout the prosecution and the appeal. Based on the arguments provided above, it is the appellant's position that the rejections to claims should be withdrawn.

Respectfully submitted,

By /Anthony S. King/  
Anthony S. King  
Registration No. 49,063  
March 01, 2008

WPAT, P.C., Intellectual Property Attorneys  
2030 Main Street, Suite 1300  
Irvine, CA 92614  
Telephone (949) 260-4797  
Fax (949) 260-4798